

Bedford Hills, New York
June 18, 2013

A public hearing was held by the Town Board of the Town of Bedford on June 18, 2013 at the Town House, 321 Bedford Road, Bedford Hills, New York to consider the adoption of Local Law #2-2013 – Changes in Zoning and Building Code. The public hearing was called to order at 7:45 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	David Gabrielson	: Councilman
	Chris Burdick	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Eric Gordon	: Town Attorney
	William Hayes	: Chief of Police
	Steve Fraietta	: Building Inspector
Absent:	Francis Corcoran	: Councilman

And two (2) residents/observers.

Proof of Publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on June 7, 2013.

Mrs. Roberts turned the meeting over to Steve Fraietta, Building Inspector to review the proposed changes to Chapters 6, 59 and 125 of the Code of the Town of Bedford.

Mrs. Roberts opened the floor to public comment and there was none.

On a motion by Mrs. Roberts, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Gabrielson, Burdick
Nays:	None
Absent:	Corcoran

RESOLVED that the Town Board does hereby close the public comment period for the public hearing to consider changes to the Building and Zoning Code of the Town of Bedford.

Mr. Fraietta advised that the changes relative to Chapter 59 of the Code of the Town of Bedford were required to go to the New York State Fire Board for approval.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Gabrielson, Burdick
Nays:	None
Absent:	Corcoran

RESOLVED that the Town Board does hereby adopt the following legislation:

LOCAL LAW NO. 2 OF 2013

A LOCAL LAW to amend Chapters 6 and 125 of the Bedford Town Code concerning Appearance Tickets and the Zoning

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

Section 1. Chapter 6 of the Code of the Town of Bedford, titled “Appearance Tickets” is hereby amended as follows:

§6-6. Authorization to issue.

The Building Inspector, ~~and~~ Assistant Building Inspector and Code Enforcement Officers are hereby authorized to issue and serve appearance tickets and notices to comply in the connection with the performance of their duties.

Section 2. Chapter 125 of the Code of the Town of Bedford, titled “Zoning” is hereby amended as follows:

§125-79. Accessory apartments in existing single-family residences.

B. In all residence districts, the Planning Board may grant a special permit to create an accessory apartment in an existing single-family dwelling, but not in an accessory structure, provided that:

(12) The duration of the permit shall be limited to five years and may be renewed by application to the Building Inspector. Prior to the renewal of the permit, the Building Inspector shall inspect the building and determine that all of the criteria above and those imposed upon the original special use permit continue to be met. The property owner shall pay to the Town Clerk a fee, in an amount set forth in the Town fee schedule, for all inspections pursuant to this section.

§125-79.1. Cottages.

B. The duration of the permit shall be limited to five years and may be renewed by application to the Building Inspector. Prior to the renewal of the permit, the Building Inspector shall inspect the building and determine that all of the criteria above and those imposed upon the original special use permit continue to be met. The property owner shall pay to the Town Clerk a fee, in an amount set forth in the Town fee schedule, for all inspections pursuant to this section.

§125-128. Penalties for offenses; remedies.

A. In accordance with Municipal Home Rule Law § 10(1)(ii)(d)(3), the Town has resolved to supersede New York State Town Law § 268 for violations of the Zoning Code as follows:

~~(1) Any person who shall violate any provision of this chapter or who shall violate any other regulation made under authority conferred thereby or who shall knowingly assist therein shall be guilty a Class B misdemeanor pursuant to the Penal Law and shall be liable to fine or imprisonment or both. Each week's continued violation thereof shall constitute a separate, additional violation. In addition to the foregoing punitive and remedial provisions, the Town shall have such other remedies for any violation or threatened violation of this section as now or hereafter may be provided by law.~~ Any person or corporation, whether as owner, lessee, architect, contractor or builder, or the agent or employee of any of them, who violates or is accessory to the violation of any provision of this chapter or any rule or regulation made under the authority conferred by this chapter, or who shall erect, construct, alter, enlarge, convert or move any building or structure or any part thereof without a building permit or in violation of any statement or plans submitted and approved under the provisions of this chapter, or who shall use any building, structure or land in violation of this chapter or any rule or regulation made under the authority conferred by this chapter, or in violation of the provisions of any building permit or certificate of occupancy or without a building permit, or certificate of occupancy where one is required by this chapter, and who fails to abate said violation within the time period specified on the violation notice and after written notice has been served upon them either by mail or personal service, shall be liable for a fine not exceeding \$500 and/or imprisonment not to exceed 15 days for conviction of a first offense; a fine not exceeding \$1,500 and/or imprisonment not to exceed six months for a second conviction within five years of a first conviction for violation of this chapter; and a fine of not exceeding \$2,500 and/or imprisonment not to exceed six months, for a third and all subsequent convictions for violations of this chapter within five years of a first conviction. Each and every day a violation continues to exist following written notice of violation shall constitute a separate offense. Nothing in this chapter shall

be construed as depriving the Town or Town Board or any designated official thereof of the right to apply for an injunction to prevent any violation of this chapter or the right to employ any other remedy available at law.

Section 3. This local law shall take effect immediately upon filing with the Office of the Secretary of State.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick
Nays: None
Absent: Corcoran

RESOLVED that the Town Board does hereby adopt the following legislation subject to approval by the New York State Fire Board:

LOCAL LAW NO. 3 OF 2013

A LOCAL LAW to amend Chapter 59 of the Bedford Town Code concerning the Fire Prevention and Building Code

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

Section 1. Chapter 59 of the Code of the Town of Bedford, titled “Fire Prevention and Building Code, Uniform” is hereby amended as follows:

§59.14.1. Fire alarm systems.

A. All buildings for which a building permit, certificate of compliance or certificate of occupancy is sought shall contain smoke and/or heat detection devices in accordance with the Uniform Fire and Building Code, NFPA 72, regardless of whether that building is intended for commercial or residential purposes.

B. All plans submitted in connection with an application for a building permit pursuant to this chapter shall include plans for a fire alarm system designed by a New York State licensed design professional (i.e. engineer or architect) and shall be submitted with proof that installation of said fire alarm system will be performed by an individual possessing a New York State Alarm Installers License and a license issued pursuant to Chapter 29 of the Code of the Town of Bedford.

C. Unless otherwise exempt by law, all new buildings used for commercial uses shall have smoke detectors connected to a central station, remote station, proprietary station or other monitoring facility as defined by NFPA 72 and approved by the Building Inspector. A complete automatic fire alarm system is required. This system shall consist of, but is not limited to, pull stations, smoke and/or heat detectors, duct detectors, elevator recalls and notification devices, such as horns and strobe lights.

D. Cabaret uses must also comply with chapter 44 of the Code of the Town of Bedford.

E. Plans shall be submitted, and a fire alarm system shall be installed for any existing building, structure or occupancy, except a one- or two- family residence, which does not already contain a fire alarm system conforming to NFPA, the Uniform Code and the Code of the Town of Bedford standards where the total floor area of the building or space is increased by 50% or more, or for which any alterations, additions or repairs made within a six-month period exceed 50% of the square footage of said building or space, or where the use is converted to an A occupancy, as defined by the Uniform Code.

F. No Certificate of Compliance or Certificate of Occupancy pursuant to section 59-5 of this chapter shall be issued for the occupancy or use of any building, structure or portion thereof for which a fire alarm system is required unless and until such system is installed, inspected, tested and approved in accordance with the Uniform Code, NFPA and Code of the Town of Bedford standards.

§59-14.2. Truss Construction Identification.

All new buildings and building additions, whether intended for residential or commercial use, utilizing truss construction shall be identified by a sticker, as depicted in appendix H of the

Uniform Code of the State of New York, affixed either to the electrical meter for the building or addition which features the truss construction or at another location approved by the Building Inspector. The truss construction sticker shall be properly affixed and shall be inspected and approved by the Building Inspector prior to issuance of any certificate of occupancy or certificate of compliance pursuant to this chapter.

§59-18. Compliance orders; appearance tickets; penalties for offenses.

B. Appearance tickets. The Building Inspector, ~~and~~ Assistant Inspectors and Code Enforcement Officers are authorized to issue appearance tickets, as defined in Chapter 6, § 6-1 of the Code of the Town of Bedford, for any violation of the Uniform Code or this chapter.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the EC3, or this chapter, any applicable state, county or local law or regulation or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit or other notice or order issued by the Building Inspector pursuant to any provision of this chapter, shall be liable for a civil penalty ~~of not more than \$200 for each day during which such violation continues. The civil penalties provided by this Subsection C shall be recoverable in an action instituted in the name of the Town of Bedford.~~ as follows:

(1) Conviction for violation of any provision of this chapter shall be deemed a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000 and/or imprisonment not to exceed three months in jail. Each day a violation continues past the date of issuance of an appearance ticket shall constitute a separate offense for which separate fines may be assessed.

(2) Conviction for a second and subsequent violations of this chapter within five years of a previous conviction of a violation of this chapter shall be a misdemeanor punishable by a fine of not less than \$750 nor more than \$2,500 and/or imprisonment not to exceed six months in jail. Each day a violation continues past the date of issuance of an appearance ticket shall constitute a separate offense.

Section 2. This local law shall take effect immediately upon filing with the Office of the Secretary of State.

There being no further discussion, the hearing was adjourned at 7:57pm.

Lisbeth Fumagalli, Town Clerk